Form NLRB - 501 (2-08)

### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

## **CHARGE AGAINST EMPLOYER**

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
32-CA-114306	09/27/2013

File an original of this charge with NLRB Regional	Director in which the alleged unfair labor practice of EMPLOYER AGAINST WHOM CHARGE IS BROU	ccurred or is occurring.
a. Name of Employer		b. Tel. No.
Tesla		510-249-2500
		c Cell No.
d. Address (street, city, state ZIP code) 45500 Fremont Blvd.	e. Employer Representative Elon Musk	f. Fax No.
Fremont, CA 94538		g. e-Mail
		h. Dispute Location (City and State) , Fremont, CA
Type of Establishment (factory, nursing home, hotel)	j. Principal Product or Service	k. Number of workers at dispute location
Automobile Manufacturer	automobiles	
I. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
Within the last six months, the above-named employer retaliated against (b) (6), (b) (7)(c) by issuing a disciplinary warning and then terminating because engaged in protected concerted activity.		
3 (b) (6), (b) (7)(C) ty filling charge (if labor organization, give full name, including local name and number)		
43 (b) (6), (b) (7)(C) (clty, state, and ZIP code)		4b. Tel. No. (b) (6), (b) (7)(C) P P QC
		4c. Cell No.
		4d. Fax No.
		4e. e-Mail
5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)		
6. DECLARATION		Tel. No.
I declare that I have read the above charge a m(b) (6), (b) (7)(C)	nd that the statements are true to the bast of	(b) (6), (b) (7)(C)
B	(b) (6), (b) (7)(C) an individual	Office, if any, Cell No.
(S <sub>1</sub> ,,	arge) Print Name and Title	Fax No.
Address: (b) (6), (b) (7)(C)	Date: 9/27/2013	e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seg. The principal use of the information is to assist the National Lubor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C) NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



November 6, 2013

#### By Electronic Filing

Nicholas L. Tsiliacos Field Examiner National Labor Relations Board Region 32 1301 Clay St, Ste 300N Oakland, CA 94612-5224

RE: Tesla Motors, Inc. and (b) (6), (b) (7)(C) Case 32-CA-114306

Dear Mr. Tsiliacos:

This shall serve as Tesla Motors, Inc.'s ("Tesla's") response to the unfair labor practice charge filed by (b) (6), (b) (7)(C) who alleges that Tesla disciplined and discnarged about (b) (6), (b) (7)(C) engaged in protected concerted activity, i.e, complained to Tesla's about (b) (6), (b) (7)(C) about (cannot show filed by (b) (6), (b) (7)(C) who alleges that Tesla disciplined and discharged As set forth below, will not be able to meet burden of persuasion. First, that the decision makers, particularly those who decided to issue a written warr a written warning, were aware of complaint. Specifically, (b) (6), (b) (7)(C) were unaware of actions at the time they decided to issue a written warning. Because cannot show that decision makers were aware of complaint, cannot show that Tesla took action against because complained. Second, has no direct or circumstantial evidence to show that Tesla was motivated to take action against because of complaint. To the contrary, Tesla discharged continually missed work and failed to follow Tesla's call out policy, meaning that was considered a no call/no show. Nor can show that Tesla treated differently than similarly situated employees. Tesla treated no differently than it treated others who worked in the (b) (6), (b) who failed to comply with the attendance policy. Hence, because there is no evidence that Tesla took adverse action against because of complaint, be dismissed.

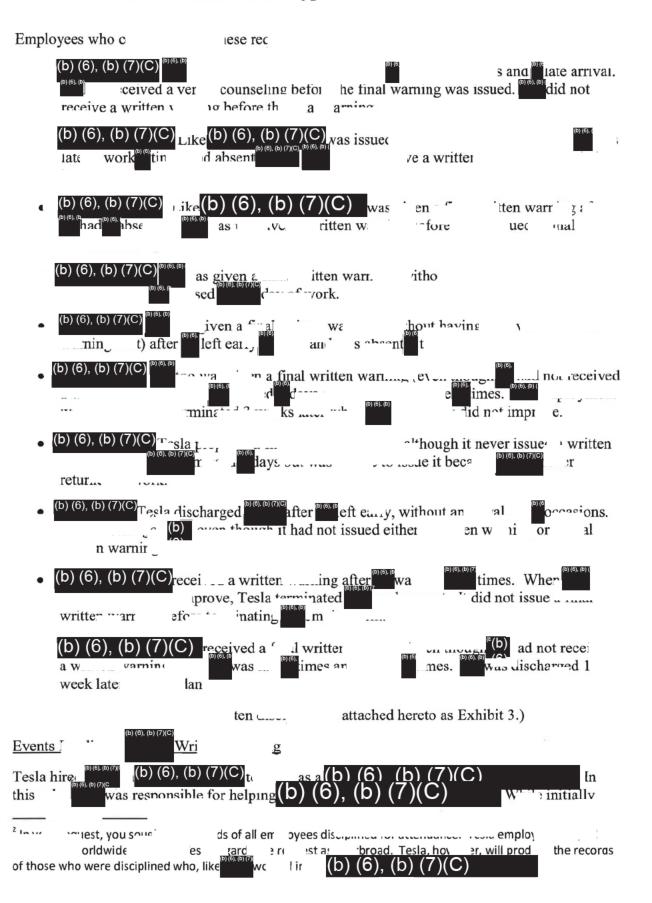
#### Factual Background

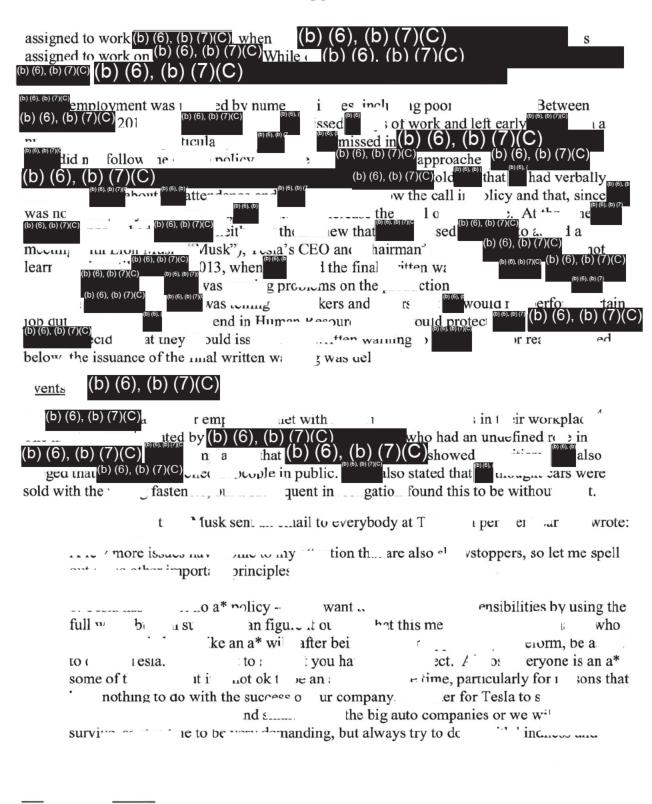
#### Tesla Motors and its Policies

Tesla, which was founded in 2003, is the leading manufacturer of electric vehicles. Tesla's goal is to accelerate the world's transition to electric vehicles by manufacturing cars that are fun to drive and environmentally responsible. Tesla manufactures the Model S, a four-door luxury door sedan, in its Fremont, California factory.

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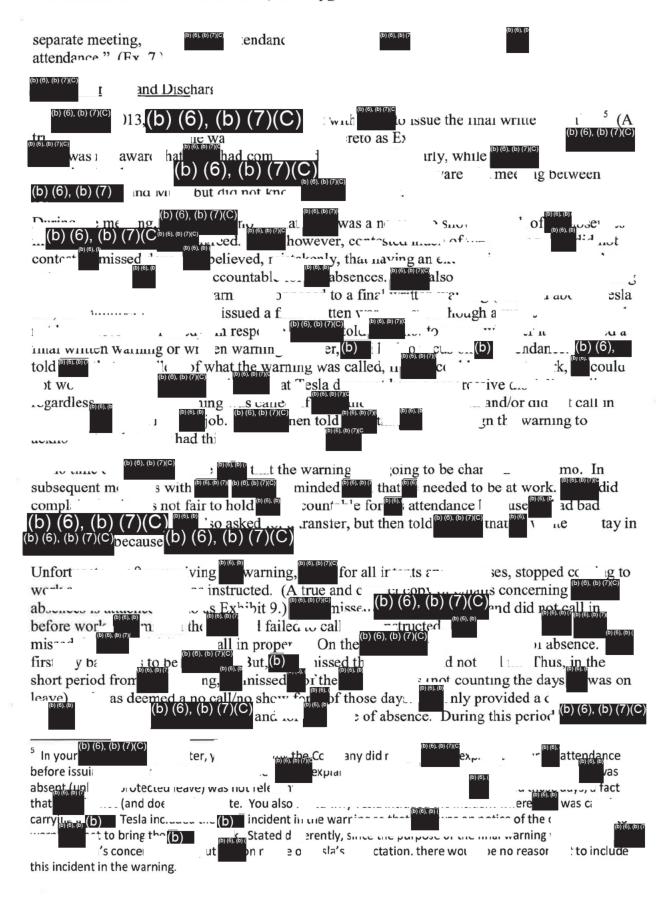
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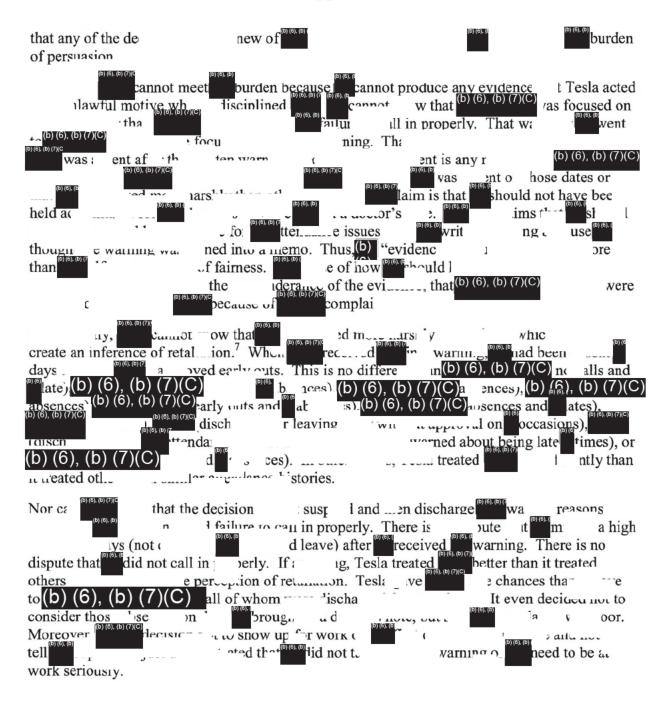
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e action with absorption of the same as it treated others. In other words, Tesla ad july a sign of the same as it treated others.

Mr. Nicholas Tsiliacos - November 6, 2013 - pg. 9

For these reasons, cannot meet burden of showing that Tesla was motivated to discipline and discharge Accordingly, cannot meet burden of showing that Tesla was motivated to discipline and discharge accordingly, cannot meet burden of showing that Tesla was motivated to discipline and discharge accordingly, cannot meet burden of showing that Tesla was motivated to discipline and discharge accordingly.

Very truly yours,

Steven M. Cooper

Associate General Counsel

Encls.



# UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 32 1301 Clay St Ste 300N Oakland, CA 94612-5224 Agency Website: www.nlrb.gov Telephone: (510)637-3300 Fax: (510)637-3315

November 25, 2013

(b) (6), (b) (7)(C)

Re: Tesla

Case 32-CA-114306

Dear (b) (6), (b) (7)(C)

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

GEORGE VELASTEGUI Acting Regional Director

George Velastegui

ce: ELON MUSK STEVEN M. COOPER

TESLA TESLA

45500 FREMONT BLVD. 45500 FREMONT BLVD. FREMONT, CA 94538 FREMONT, CA 94538